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OFFICE OF PETITIONS

In re Application of
Wangoo et al.
Application No. 10/675,737
Filed: March 3, 2004
Atty Docket No. 66329/33336

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: DECISION ON PETITION
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This is a decision on the "PETITION FOR ACCEPTANCE OF AN OMITTED DRAWING UNDER 37 C.F.R. 1.182 OR IN THE ALTERNATIVE FOR A NEW FILING DATE, filed March 3, 2004. Applicants petition that omitted Figure 3, submitted on petition, be accepted for inclusion with the above-referenced application and the original date of submission of the application, September 30, 2003, be accorded as the filing date of the present application. Alternatively, applicants state that in the event that the present Petition is denied, it is respectfully requested that enclosed Figure 3 be accepted for inclusion with the subject application and the date of submission of Figure 3 be assigned as the filing date of the subject application.

Application papers in the above-identified application were deposited on September 23, 2002. However, on December 29, 2003, the Office of Initial Patent Examination mailed applicants a "Notice of Omitted Items in a Nonprovisional Application." Applicants were thereby advised that the application had been accorded a filing date; however, FIG. 3 described in the specification appeared to have been omitted from the application.

Petitioner does not dispute that figure 3 was not among the papers present in the application disclosure. Papers not present on filing cannot be considered part of the original application disclosure. Petitioner's arguments for retaining the original filing date with figure 3 considered part of the original application disclosure have been considered, but not found persuasive. Accordingly, to the extent that this petition requests that the application be accorded a filing date of September 30, 2003 with Fig. 3 present in the application, the petition is **DISMISSED**.

On petition, applicants also supplied the missing figures, along with a supplemental declaration referring to the figure; and the instant petition (and fee) under § 1.182.

The petition is **GRANTED** to the extent indicated herein.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of March 4, 2004, using the application papers deposited on September 30, 2003 and the sheet of drawing, containing figure 3, supplied on March 4, 2004.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0309.



Nancy Johnson
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